

FILED
CLERK OF COURT
U.S. DISTRICT COURT
DISTRICT OF MASS.
JAN 20 2005
U.S. DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

THE MERCY HOSPITAL, INC.,

Plaintiff

v.

MASSACHUSETTS NURSES
ASSOCIATION,

Defendant

Civ. No. 04-30014-MAP

MOTION TO STRIKE PLAINTIFF'S OBJECTION

The Defendant, Massachusetts Nurses Association, hereby moves to strike the Plaintiff's Objection to the Report and Recommendation of the Magistrate in the above-referenced matter. There is good cause to grant this Motion because 1) the Objection was not timely filed, and 2) the Objection does not comply with the requirement set forth in F.R.Civ.P. 72(b) that the objecting party arrange for the transcription of the record. Instead, the Plaintiff improperly includes a "statement of facts" derived from neither the Arbitrator's Award nor the Magistrate Judge's Report and Recommendation, but rather in part from extraneous materials not properly before the Court.

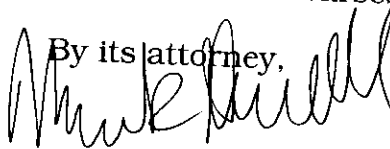
For the reasons set forth in the accompanying Memorandum In Support of Defendant's Motion to Strike Plaintiff's Objection, the Defendant requests that this Motion be granted and that the Plaintiff's Objection be struck from the record in this matter.

Respectfully submitted,

For the Defendant

Massachusetts Nurses Association

By its attorney,

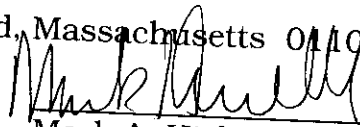


Mark A. Hickernell, BBO # 638005
McDonald & Associates
Cordaville Office Center
153 Cordaville Road, Suite 210
Southborough, MA 01772
(508) 485-6600

Date: February 18, 2005

CERTIFICATE OF SERVICE

I, Mark A. Hickernell, hereby certify that I have this day by first-class mail, postage prepaid, served a copy of the foregoing Motion to Strike Plaintiff's Objection upon Maurice Cahillane, Esq, Egan, Flanagan and Cohen, P.C., 67 Market Street, P.O. Box 9035, Springfield, Massachusetts 01102-9035.



Mark A. Hickernell, BBO # 638005